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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
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14 PERFECT 10, INC., a California
15 corporation,

16 Plaintiff,

17 v.

18 HOTFILE CORP., a Panamanian
19 corporation; HOTFILE, LLC, a
20 Bulgarian limited liability company;
21 ANTON TITOV, an individual;
22 LEMURIA COMMUNICATIONS,
INC., a Florida corporation; and
DOES 1 through 100, inclusive,

23 Defendants.
24

CASE NO. 10 CV 2031 MMA (POR)

**ORDER DIRECTING CLERK TO
ADDRESS AND MAIL SUMMONS
AND COMPLAINT TO HOTFILE
CORP. PURSUANT TO F.R.C.P.
4(f)(2)(C)(ii)**

25 This matter came before the Court as Plaintiff Perfect 10, Inc.'s ("Perfect
26 10") *ex parte* motion for an order directing the clerk to address and mail
27 summons and complaint to Hotfile Corp. pursuant to Federal Rule of Civil
28

1 Procedure 4(f)(2)(C)(ii).

2 Rule 4(f)(2)(C)(ii) provides that, “unless prohibited by the foreign
3 country’s law,” a party may effect service outside the United States by “using
4 any form of mail that the clerk addresses and sends to the individual and that
5 requires a signed receipt.” Fed. R. Civ. P. 4(f)(2)(C)(ii). Service of process
6 under Rule 4(f)(2)(C)(ii) is defective when the service is effectuated through the
7 mail by someone other than the Clerk of Court. Accordingly, in compliance
8 with the Federal Rules of Civil Procedure, and upon reviewing the motion and
9 the Declaration of Eric J. Benink filed therewith, and good cause appearing
10 thereon,

11 **IT IS HEREBY ORDERED THAT:**

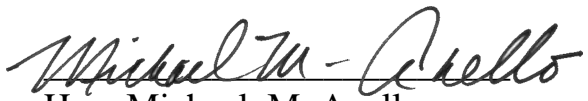
12 1. The Clerk of the Court (“Clerk”) address and mail in any form
13 requested by Perfect 10, the Amended Summons and First Amended Complaint
14 to Hotfile Corp. to any address in the Republic of Panama, as provided by
15 Perfect 10.

16 2. The Clerk execute a Proof of Service demonstrating compliance with
17 F.R.C.P. 4(f)(2)(c)(ii).

18 2. Perfect 10 prepay the postage or delivery charges (if by international
19 courier) before presentation to the Clerk for addressing and mailing.

20 **IT IS SO ORDERED.**

21
22 DATED: November 12, 2010


Hon. Michael M. Anello
United States District Court Judge